

BOARD OF APPEALS CASE NO. 5271

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BEFORE THE

APPLICANTS: Beverly Bolden & Jeffrey Hoilman

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ZONING HEARING EXAMINER

**REQUEST: Variance to allow a sun room and
deck within the required side yard setback;
2737 Forge Hill Road, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 7/24/02 & 7/31/02

HEARING DATE: September 9, 2002

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Record: 7/26/02 & 8/2/02

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Beverly A. Bolden and Jeffrey Hoilman, are requesting a variance pursuant to Sections 267-34C, Table II, and 267-23C(1)(a)(6) of the Harford County Code, to allow a sunroom and deck within the required 20 foot side yard setback for the sunroom (14 feet proposed) and 15 feet for the deck (9 feet proposed) in an Agricultural District.

The subject parcel is located at 2737 Forge Hill Road, Bel Air, MD 21015 and is more particularly identified on Tax Map 34, Grid 1F, Parcel 234. The parcel consists of 0.53± acres, is zoned AG/Agricultural and is entirely within the Third Election District.

Mr. Jeffrey Hoilman appeared and testified that the subject lot is very narrow and the house is positioned lengthwise on the property facing the driveway (Attachment 3). Because of the house placement and narrowness of the lot, the setback limitations are magnified, which, in the opinion of the witness is a unique configuration leading to the need for a variance for the modest deck and sunroom proposed. The Applicant intends to construct an all glass 11 foot by 12 foot sunroom with a 5 foot by 16 foot deck and 4 foot by 11 foot walkway. The walkway is part of the deck. Mr. Hoilman indicated that this was the only practical location for the sunroom, deck and walkway because to one side of the house is the well that prevents construction in that area. To the other side is a chimney and driveway, making that location impractical. The walkout existing on the house matches the location of the proposed deck and sunroom and is the most practical location. Without the variances, according to the witness, the Applicant would be unable to construct any outdoor living space on this parcel of a size that would be useable. The witness did not believe this proposal would have any adverse impacts on neighboring properties.

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The Department of Planning and Zoning found that the property was unique due to its long rectangular shape and positioning of the existing home and well. Further, in recommending approval of the variance requested, the Department found that the proposed sunroom, deck and walkway would not have any adverse impacts or materially impair the purposes of the Zoning Code.

No persons appeared in opposition to the request.

CONCLUSION:

The Applicants are requesting a variance pursuant to Sections 267-34C, Table II, and 267-23C(1)(a)(6) of the Harford County Code, to allow a sunroom and deck within the required 20 foot side yard setback for the sunroom (14 feet proposed) and 15 feet for the deck (9 feet proposed) in an Agricultural District.

Harford County Code Section 267-23C(1)(a)(6) provides:

“Unenclosed patios and decks: up to, but not to exceed, twenty-five percent (25%) of the side or rear yard requirement for the district. No accessory structure shall be located within any recorded easement area.”

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner finds that the subject parcel is unique due to its rectangular shape, the location of the well and driveway and the positioning of the house on the property. The structures proposed are much like many others found throughout Harford County and will not result in adverse impacts to adjacent properties nor will the purposes of the Harford County Zoning Code be impaired by approval.

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For the foregoing reasons, the Hearing Examiner recommends approval of the Applicants' request, conditioned upon the Applicants obtaining any and all necessary permits and inspections.

Date OCTOBER 9, 2002

William F. Casey
Zoning Hearing Examiner